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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,314	04/06/2000	Claude Basso	RAL9-00-0049	8223
25299	7590	12/15/2004	EXAMINER	
IBM CORPORATION PO BOX 12195 DEPT 9CCA, BLDG 002 RESEARCH TRIANGLE PARK, NC 27709			CAO, DIEM K	
			ART UNIT	PAPER NUMBER
			2126	

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/544,314

Applicant(s)

BASSO ET AL.

Examiner

Diem K. Cao

Art Unit

2126

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 November 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_


3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.Claim(s) objected to: none.Claim(s) rejected: 1-10 and 13.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

Continuation of 5. does NOT place the application in condition for allowance because:

In response to the Final Office Action mailed on August 12, 2004, applicant argues:

(1) Narisi uses asynchronous method to enable communication between a first network application and a second system application. Narisi does not teach "wherein the inter process communication frames are transmitted and received simultaneously" and "wherein the transmitting and receiving of said inter process communication frames occurs synchronously" [p. 7, lines 8 - 18];

(2) Narisi teaches away from simultaneous and synchronous operations. This is in contrast to the invention where simultaneous and synchronous operations are indeed contemplated [p. 8, lines 9 - 14]; and

(3) there is no disclosure or suggestion that the header is for exchanging formats [p. 10, lines 7 - 8].

As to argument (1), examiner respectfully notes that asynchronous method refers to a "non-blocking" method [col. 47, lines 50 - 57]. Generally, this would suggest the first network application of Narisi calls the asynchronous method to send data but does not "block" and wait for a reply. This allows the first network application to send data and proceed to perform other operations. Synchronous method or operations is the opposite and the sender application would "block" and not perform any operations until a reply is received. The claims do not recite synchronous methods or operations; instead they recite, "frames are transmitted and received simultaneously" and "the transmitting and receiving of said inter process communication frames occurs synchronously". The recited limitations require the sending and receiving of communication frames to occur simultaneously or synchronously or at the same time. The claims only require the system to be able to receive data while it is sending data. Since Narisi teaches multiple communication paths [e.g. col. 13, lines 52 - 61], the system of Narisi would be able to receive data from one path while sending data on another path. The ability to send and receive data at the same is independent of a blocking or non-blocking operation [synchronous or asynchronous operations].

In response to argument (2), examiner submits that Narisi teaches away from synchronous operations; however, examiner respectfully notes that the claims do not recite synchronous operations and the specification does not disclose synchronous operations. The claims require sending and receiving communication frames synchronously or simultaneously, not synchronous operations.

As to argument (3), examiner respectfully disagrees and submits that Narisi teaches that the header is for exchanging formats [see previous office action].